

**BOROUGH OF WIND GAP  
29 MECHANIC STREET  
WIND GAP, PA 18091  
863-7288  
FAX 863-1011**

**EXECUTIVE SESSION**

Council met in Executive Session from 6:30 to 7:30 to discuss personnel matters (Police Contract and Real Estate matters (Bid Packages for the Borough Properties)).

The Council meeting of the Borough of Wind Gap on Tuesday, September 17th, 2013, was called to order at 7:30 p.m. by Council President, George Hinton, at which time he reminded those present that the meeting was being recorded. In attendance were Councilmen: Kerry Gassler, Jon Faust, John Maher, Tony Curcio, Joe Weaver and Dave Hess. Also in attendance were Mayor James M. Shoemaker, Borough Solicitor Ronold Karasek, Borough Engineer Brian Pysner and Borough Assistant Administrator Darlene Plank.

**PUBLIC COMMENT**

1. Robert Matlock, 346 Alpha Avenue, wanted to know if any action was going to be taken on the garbage dump at Chelsie Schrader's residence, and the fact that this dump is in the Alley. Mr. Matlock acknowledged that the Borough investigated his complaints and decided to take no further action. The matter was turned over to the Borough Solicitor, Ron Karasek, and he stated that generally when the Borough gets a complaint from one person they have to investigate it and then decide rather it is a public matter or a private matter. A private matter is between 2 neighbors, therefore, the Borough is not going to become the attorney for the "neighbor" that feels offended, the Borough is not to get involved in private disputes. If there is more than 4 or so neighbors complaining than the Borough may consider it a public matter and consider prosecution. According to Mr. Karasek, the Borough is to protect public rights not just the private rights of one person. It was discussed and decided that the Alley issue is a civil matter. Mr. Matlock was not satisfied and asked for further help from Council. Councilman Gassler offered to look over all of the complaints and discuss the matter with Mr. Matlock. Mr. Karasek closed with the question, "Is the Borough going to enforce every private citizen's complaint against their neighbor or are they going to enforce only matters that are of a overall public concern? My advice and legal opinion has always been a public concern....you can't be enforcing every private neighbors right or you are going to be enforcing clothes in the yard, people that complain about that one grass that hasn't been cut, the car that has been in the street, etc. The Borough does not have the economic resources to enforce one person's complaint, however distasteful as that may sound, we as the borough do not have the resources. If it is a public matter than the Borough needs to step up to the plate, but if it is just one person complaining it is just not what we have traditionally done. I'm giving you legal opinions not policy, I'm not an elected official and it is elected officials that make this call.

**APPROVAL OF MINUTES**

**On motion** by Kerry Gassler to approve the minutes of the September 03, 2013 Council meeting and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously 7-0 in favor.

## **SOLICITOR'S REPORT**

Mr. Karasek stated that the original report was submitted at the meeting earlier in the month. The Deeds and mortgages that have been recorded at the courthouse in respect to the new property (West Street) have since been returned and are being processed. Title Insurance policies will be issued with respect to those items will be issued. Did some research regarding this nuisance matter raised by Mr. Matlock so I could report this evening. Reviewed and made some revisions to the proposed letter/advertisement that is to be sent to the newspaper for the Borough properties.

## **ENGINEERS REPORT**

Brian Pysher reported that everyone received a copy of the Utica Avenue Reconstruction and Overlay report which demonstrates that Hale Built was the low bidder at \$45,644.00. I advise that the Borough awards the contract to Hale Built and I'll move ahead with the notice to proceed. **Motion** made by John Maher to award the Utica Avenue street project to Hale Built for \$45,644 and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously 7-0 in favor.

## **COMMITTEE REPORTS**

1. EMS – Kerry Gassler reported that the Ambulance Corps responded to 483 calls up to and through the month of July. On August 23 they did a spaghetti dinner at Blue Valley, and 2 weeks ago they did a coin toss at the corner of Turkey Hill and the Beer Stein.
2. Fire Co. – Dave Hess reported that the fire company responded to 83 calls so far this year. A coin toss is scheduled on October 19<sup>th</sup>. Dave reminded Council that the County will need to be notified when the fire house sells and the voting location changes.
3. Zoning – Tony Curcio reported that no new applications were submitted so the October 2nd, 2013, Zoning Hearing Board meeting has been cancelled.
4. Planning – George Hinton reported that there is nothing on the Planning Commission agenda.
5. Municipal Authority – John Maher reported that he attended the August 28<sup>th</sup> meeting and there wasn't much to report. The only issue they are having is deciding on the best approach for medical/health coverages. Brian asked John to discuss the inspections of the 8<sup>th</sup> street project at the next sewer authority meeting.
6. Streets – Dave and Joe reported that the auction ended and the dump truck and roller were both sold. The high bidder for the dump truck was at \$7,101.00 and the high bidder for the roller was \$741.00.
7. Police – Mayor Shoemaker reported that there were 134 calls in the month of August which included 7 alarms, 2 EMS, 6 animal, 9 Boro ordinances, 11 assists, 9 MVAs, and 10 traffic citations. There were 6 requests for police reports. Pat Sutter mentioned that she would like to see the police reports in the paper.
8. Regional Police - Mayor Shoemaker stated that they are presently working on the Articles of Agreement and beginning their search for a Chief.

9. Park – Joe Weaver stated that the Park Board met last Tuesday and discussed that the roof on the kitchen is in need of repair as it has been leaking. Jon Faust mentioned that the roof has been leaking for about 5 years. George Hinton reiterated to Joe that the Park Board is an advisory committee to Council and that he is the chairperson for the committee. Joe is to be the liaison between the Street Department, Park Board, and Council. Rich Fox as the Street Leader does not need to attend the Park Board meetings. Brian stated that the kiddie play area needs the new ramp and railings prior to a C.O. from L&I being issued to the Borough. The kiddie play area is not to be utilized until the C.O. is issued, however, people can't seem to read signs and stay out of there. Rich Fox stated that he will be digging a hole at the Park for a donated Christmas Tree. Council was unaware of this project brought on by the tree lighting ceremony committee. Brian recommended doing a PA one call prior to the dig.
10. 911 – Tony Curcio had nothing to report.
11. Tipping Fees - Tony Curcio reported that there have been no changes since the last report.
12. GIS – John Maher reported that he met with the Engineer and we finalized some changes to the data base. The Engineer is going to modify the files to fit in all of the banner data. A wall map will be produced for the banners. All of the grant money will be spent on the project. The data base is getting bigger.
13. Zoning Ordinance Changes (Signs) – John Maher stated that they haven't had a chance to meet yet, hopefully within the next week.

## **MAYOR'S REPORT**

Mayor Shoemaker reported that the Slate Belt COG will be getting a new office. He mentioned that we have 7 more people interested in buying banners for round 2.

## **NEW BUSINESS**

1. Utica Avenue – Reconstruction & Overlay Project Award. Discussed under the Engineer's report.
2. Northampton County Industrial Development Authority - Letter of support for the Green Knight Industrial Park II project to move forward. **On motion** by Jon Faust for Council President George Hinton to sign the letter of support and seconded by Tony Curcio. Roll call vote taken. Motion carried unanimously 7-0 in favor.

## **OLD BUSINESS**

1. Cancellation of Open Permit for Firehouse Floor Repair – George Hinton stated that the Borough received a permit from L&I to replace the firehouse floor, however, we do not need to replace the floor as we are moving to the new building. George stated that we need to cancel that permit that has been open quite a few months. Brian Pysher stated that possibly that permit could be transferred to the new owner so he said he would check into it and get back to Council.

## **ADJOURNMENT**

**On motion** by Tony Curcio to adjourn the meeting of September 17, 2013 and seconded by John Maher. Council agreed unanimously.

The meeting of September 17, 2013 adjourned at 8:50 p.m.

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Darlene Plank, Borough Asst. Administrator